

HOUSE BILL No. 1181

DIGEST OF INTRODUCED BILL

Citations Affected: IC 13-21-3-12; IC 13-21-3-12.5.

Synopsis: County solid waste district property tax rate. Permits a single county solid waste management district to impose a property tax rate calculated to achieve the district's maximum permissible levy if the current maximum property tax rate resulted in collections with respect to 2001 taxes payable in 2002 in an amount less than the maximum permissible levy.

Effective: July 1, 2002.

Steele

January 9, 2002, read first time and referred to Committee on Rules and Legislative Procedures.

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Introduced

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1181

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 13-21-3-12, AS AMENDED BY P.L.225-2001,
2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 12. Except as provided in section 14.5 of this
4 chapter, the powers of a district include the following:

5 (1) The power to develop and implement a district solid waste
6 management plan under IC 13-21-5.

7 (2) The power to impose district fees on the final disposal of solid
8 waste within the district under IC 13-21-13.

9 (3) The power to receive and disburse money, if the primary
10 purpose of activities undertaken under this subdivision is to carry
11 out the provisions of this article.

12 (4) The power to sue and be sued.

13 (5) The power to plan, design, construct, finance, manage, own,
14 lease, operate, and maintain facilities for solid waste
15 management.

16 (6) The power to enter with any person into a contract or an
17 agreement that is necessary or incidental to the management of



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solid waste. Contracts or agreements that may be entered into under this subdivision include those for the following:

- (A) The design, construction, operation, financing, ownership, or maintenance of facilities by the district or any other person.
- (B) The managing or disposal of solid waste.
- (C) The sale or other disposition of materials or products generated by a facility.

Notwithstanding any other statute, the maximum term of a contract or an agreement described in this subdivision may not exceed forty (40) years.

(7) The power to enter into agreements for the leasing of facilities in accordance with IC 36-1-10 or IC 36-9-30.

(8) The power to purchase, lease, or otherwise acquire real or personal property for the management or disposal of solid waste.

(9) The power to sell or lease any facility or part of a facility to any person.

(10) The power to make and contract for plans, surveys, studies, and investigations necessary for the management or disposal of solid waste.

(11) The power to enter upon property to make surveys, soundings, borings, and examinations.

(12) The power to:

- (A) accept gifts, grants, loans of money, other property, or services from any source, public or private; and
- (B) comply with the terms of the gift, grant, or loan.

(13) The power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to the following:

- (A) Regular budget and tax levy procedures.
- (B) Section 16 of this chapter.

However, except as provided in ~~section~~ **sections 12.5 and 15** of this chapter, a property tax rate imposed under this article may not exceed eight and thirty-three hundredths cents (\$0.0833) on each one hundred dollars (\$100) of assessed valuation of property in the district.

(14) The power to borrow in anticipation of taxes.

(15) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an approved budget and to contract for professional services.

(16) The power to otherwise do all things necessary for the:

- (A) reduction, management, and disposal of solid waste; and
- (B) recovery of waste products from the solid waste stream;

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1 if the primary purpose of activities undertaken under this
 2 subdivision is to carry out the provisions of this article.

3 (17) The power to adopt resolutions that have the force of law.
 4 However, a resolution is not effective in a municipality unless the
 5 municipality adopts the language of the resolution by ordinance
 6 or resolution.

7 (18) The power to do the following:

8 (A) Implement a household hazardous waste and conditionally
 9 exempt small quantity generator (as described in 40 CFR
 10 261.5(a)) collection and disposal project.

11 (B) Apply for a household hazardous waste collection and
 12 disposal project grant under IC 13-20-20 and carry out all
 13 commitments contained in a grant application.

14 (C) Establish and maintain a program of self-insurance for a
 15 household hazardous waste and conditionally exempt small
 16 quantity generator (as described in 40 CFR 261.5(a))
 17 collection and disposal project, so that at the end of the
 18 district's fiscal year the unused and unencumbered balance of
 19 appropriated money reverts to the district's general fund only
 20 if the district's board specifically provides by resolution to
 21 discontinue the self-insurance fund.

22 (D) Apply for a household hazardous waste project grant as
 23 described in IC 13-20-22-2 and carry out all commitments
 24 contained in a grant application.

25 (19) The power to enter into an interlocal cooperation agreement
 26 under IC 36-1-7 to obtain:

- 27 (A) fiscal;
- 28 (B) administrative;
- 29 (C) managerial; or
- 30 (D) operational;

31 services from a county or municipality.

32 (20) The power to compensate advisory committee members for
 33 attending meetings at a rate determined by the board.

34 (21) The power to reimburse board and advisory committee
 35 members for travel and related expenses at a rate determined by
 36 the board.

37 (22) In a joint district, the power to pay a fee from district money
 38 to the counties in the district in which a final disposal facility is
 39 located.

40 (23) The power to make grants or loans of:

- 41 (A) money;
- 42 (B) property; or

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- 1 (C) services;
 2 to public or private recycling programs, composting programs, or
 3 any other programs that reuse any component of the waste stream
 4 as a material component of another product, if the primary
 5 purpose of activities undertaken under this subdivision is to carry
 6 out the provisions of this article.
- 7 (24) The power to establish by resolution a nonreverting capital
 8 fund. A district's board may appropriate money in the fund for:
- 9 (A) equipping;
 10 (B) expanding;
 11 (C) modifying; or
 12 (D) remodeling;
- 13 an existing facility. Expenditures from a capital fund established
 14 under this subdivision must further the goals and objectives
 15 contained in a district's solid waste management plan. Not more
 16 than five percent (5%) of the district's total annual budget for the
 17 year may be transferred to the capital fund that year. The balance
 18 in the capital fund may not exceed twenty-five percent (25%) of
 19 the district's total annual budget. If a district's board determines
 20 by resolution that a part of a capital fund will not be needed to
 21 further the goals and objectives contained in the district's solid
 22 waste management plan, that part of the capital fund may be
 23 transferred to the district's general fund, to be used to offset
 24 tipping fees, property tax revenues, or both tipping fees and
 25 property tax revenues.
- 26 (25) The power to conduct promotional or educational programs
 27 that include giving awards and incentives that further the district's
 28 solid waste management plan.
- 29 (26) The power to conduct educational programs under
 30 IC 13-20-17.5 to provide information to the public concerning:
- 31 (A) the reuse and recycling of mercury in:
 32 (i) mercury commodities; and
 33 (ii) mercury-added products; and
 34 (B) collection programs available to the public for:
 35 (i) mercury commodities; and
 36 (ii) mercury-added products.
- 37 (27) The power to implement mercury collection programs under
 38 IC 13-20-17.5 for the public and small businesses.
- 39 SECTION 2. IC 13-21-3-12.5 IS ADDED TO THE INDIANA
 40 CODE AS A NEW SECTION TO READ AS FOLLOWS
 41 [EFFECTIVE JULY 1, 2002]: **Sec. 12.5. (a) This section applies to a**
 42 **district that:**

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1 (1) is located in one (1) county; and

2 (2) with respect to 2001 property taxes payable in 2002:

3 (A) imposed the maximum property tax rate established
4 under section 12 of this chapter; and

5 (B) collected property tax revenue in an amount less than
6 the maximum permissible ad valorem property tax levy
7 determined for the district under IC 6-1.1-18.5.

8 (b) A district described in subsection (a) may impose a property
9 tax rate that exceeds the maximum property tax rate established
10 under section 12 of this chapter. The rate may not exceed the rate
11 calculated to result in a property tax levy equal to the maximum
12 permissible ad valorem property tax levy determined for the
13 district under IC 6-1.1-18.5.

14 SECTION 3. [EFFECTIVE JULY 1, 2002] (a) IC 13-21-3-12.5, as
15 added by this act, applies to property taxes first due and payable
16 after December 31, 2002.

17 (b) This SECTION expires January 1, 2005.

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